

### § 101-49.303

activity, and the name, title, and telephone number of its authorized representative;

(2) Description of the gift or decoration requested, including its estimated or appraised value; and

(3) Details on the planned utilization of the gift or decoration, including where and how it will be used and how it will be safeguarded.

[50 FR 83, Jan. 2, 1985, as amended at 53 FR 12768, Apr. 19, 1988]

#### § 101-49.303 Allocation.

Allocation of gifts and decorations among the States will be made at the discretion of the Administrator of General Services. The employee recipient may recommend that a gift or decoration be allocated for donation through the State agency to a specific donee. A statement of this recommendation shall be entered on the SF 120, Report of Excess Personal Property, by the reporting agency. The request must be supported by a letter from the recipient outlining any special significance of the gift or decoration to the proposed donee. The mailing address and telephone number of both the recipient and the proposed donee shall also be included in the letter. Such requests will receive consideration if it is determined that the item is to be donated.

[48 FR 12090, Mar. 23, 1983; 48 FR 27404, June 15, 1983]

#### § 101-49.304 Conditions of donation.

Donation of gifts and decorations shall be accomplished by the use of a State agency distribution document (see § 101-44.208) which shall contain or incorporate by reference the following special handling conditions and use limitations imposed by GSA on the donation of gifts and decorations:

(a) The donee shall display or use the gift or decoration in accordance with its letter of intent, as may be modified to meet GSA requirements.

(b) There shall be a period of restriction which will expire after the gift or decoration has been used for the purpose stated in the letter of intent for a period of 10 years, except that GSA may restrict the use of the gift or decoration for such period as may be prescribed by GSA when the inherent

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character of the property justifies such action.

(c) The donee shall allow the right of access to the donee's premises at reasonable times for inspection of the gift or decoration by duly authorized representatives of the State agency or the U.S. Government.

(d) During the period of restriction, the donee shall not sell, trade, lease, lend, bail, encumber, cannibalize or dismantle for parts, or otherwise dispose of the property; or remove it permanently for use outside the State; or transfer title to the gift or decoration directly or indirectly; or do or allow anything to be done that would contribute to the gift or decoration being seized, taken into execution, attached, lost, stolen, damaged, or destroyed.

(e) If, at any time during the period of restriction, the gift or decoration is no longer suitable, usable, or needed by the donee for the purpose stated in the letter of intent, the donee shall promptly notify the General Services Administration, Property Management Division (FBP), Washington, DC 20406, through the State agency, and upon demand by GSA, title and right to possession of the gift or decoration shall revert to the U.S. Government. In this event, the donee shall comply with transfer or disposition instructions furnished by GSA through the State agency, with costs of transportation, handling, and reasonable insurance during transportation to be paid by the donee or as directed by GSA.

(f) The donee shall comply with all additional conditions covering the handling and use of any gift or decoration imposed by GSA.

(g) Upon the donee's failure to comply with any applicable condition or limitation during the period of restriction, the State agency may demand return of the gift or decoration and, upon demand, title and right to possession of the gift or decoration shall revert to the U.S. Government. In this event, the donee shall return the gift or decoration in accordance with instructions furnished by the State agency, with costs of transportation, handling, and reasonable insurance during transportation to be paid by the donee or as directed by the State agency. If the gift or decoration is lost, stolen, or cannot

legally be recovered or returned for any other reason, the donee shall pay to the U.S. Government the fair market value of the gift or decoration at the time of its loss, theft, or at the time that it became unrecoverable as determined by GSA. If the gift or decoration is damaged or destroyed, the State agency may require the donee to:

(1) Return the item and pay the difference between its former fair market value and its current fair market value, or

(2) Pay the fair market value, as determined by GSA, of the item had it not been damaged or destroyed.

[50 FR 83, Jan. 2, 1985, as amended at 53 FR 12768, Apr. 19, 1988]

**§ 101-49.305 Costs incident to donation.**

Costs incurred incident to donation of gifts and decorations shall be handled in accordance with § 101-44.104.

**§ 101-49.306 Withdrawal of donable gifts and decorations for Federal utilization.**

Gifts and decorations set aside or approved for donation may be withdrawn for Federal utilization in accordance with § 101-44.101.

**§ 101-49.307 Donation of gifts withdrawn from sale.**

Gifts that are being offered for public sale may be withdrawn and approved for donation in accordance with § 101-44.107.

[53 FR 12768, Apr. 19, 1988]

**Subpart 101-49.4—Sale or Destruction of Foreign Gifts and Decorations**

SOURCE: 48 FR 12091, Mar. 23, 1983, unless otherwise noted.

**§ 101-49.400 Scope of subpart.**

This subpart prescribes policies and procedures governing the sale of foreign gifts and decorations to recipients and the disposal by either sale or destruction of foreign gifts and decorations which GSA has determined are not needed for Federal utilization or donation.

[53 FR 12768, Apr. 19, 1988]

**§ 101-49.401 Approval by the Secretary of State on sales.**

The approval of the Secretary of State or the Secretary's designee shall be obtained before offering any gift for public sale.

**§ 101-49.402 Sale of gifts by GSA to interested recipients.**

GSA shall offer gifts through negotiated sales only to a recipient who has indicated an interest in purchasing the item(s). The mailing address and telephone number of the recipient shall be provided on the SF 120, Report of Excess Personal Property. The sales price shall be the appraised value of the gift(s) plus the cost of the appraisal. Sales shall be documented in accordance with part 101-45.

**§ 101-49.403 Sale of gifts by GSA to the public.**

GSA shall sell gifts in accordance with part 101-45.

**§ 101-49.404 Proceeds from sales.**

The proceeds from the sale of gifts shall be deposited in the Treasury as miscellaneous receipts, unless other disposition is authorized by law or regulation.

**§ 101-49.405 Destruction of gifts and decorations.**

Gifts that are not sold under this subpart 101-49.4 and decorations may be destroyed and disposed of as scrap or for their material content.